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LOG OF MEETING

SUBJECT: Proposed amendments to the Standard for the
Flammability of Children's Sleepwear

DATE: January 25, 1996

PLACE: Consumer Product Safety Commission
Chairman's Conference Room

LOG ENTRY SOURCE: Lawrence L. Hershman
Special Assistant to the Chairman

MEETING REQUESTED BY: Andrew Krulwich, Esquire
Wiley, Rein & Fielding
for PCA Apparel Industries, Inc.

CONSUMER PRODUCT SAFETY COMMISSION REPRESENTATIVES:

Ann Brown, Chairman
Lawrence L. Hershman, Special Assistant to the Chairman
Alan H. Schoem, Office of Compliance
Terrance R. Karels, Project Manager, Directorate for
Economic Analysis

PCA APPAREL INDUSTRIES, INC. REPRESENTATIVES:

Marvin Sandberg, Financial Vice President
Steven Schnitzer, Executive Vice President
Andrew Krulwich, Esq., Wiley, Rein & Fielding
(outside counsel)
Diane Zipursky, Esq., Wiley, Rein & Fielding
(outside counsel)

OTHER ATTENDEES:

Bruce Navarro, Esq., Consultant

SUMMARY OF MEETING:

PCA requested the meeting to oppose the proposed sleepwear amendments and to advocate that the current standard not be changed.

Mr. Sandberg stated that variation in children's sizes creates a significant risk of larger gaps between the skin and the garment than what the amendment envisions. Mr. Schnitzer stated that consumers and retailers could be expected to change garment sizing to meet consumer demand for looser fitting garments.

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The PCA representatives said that PCA manufactures no 100 percent cotton sleepwear. It does manufacture 100 percent cotton two-piece underwear, which is not a major component of its product line. They said that six major retailers account for 80 percent of the children's pajama market.

Mr. Sandberg disputed the assertion that the proposed amendments will facilitate enforcement of the sleepwear standards. He said that the CPSC staff still would have to enforce the existing standard, plus they would have to enforce the additional requirements that 100 percent cotton sleepwear be tight fitting.

The PCA representatives predicted that flame resistant garments would become less available if the proposed amendments are adopted.

Chairman Brown thanked the attendees, and stated that she would base her decision on safety considerations and the rulemaking record before the agency.

PCA APPAREL INDUSTRIES, INC.
Outline for Meetings with CPSC Commissioners
January 25, 1996

The company strongly opposes the proposed relaxation of the children's sleepwear standards for the following reasons:

1. At the time the current standards were adopted in the early 1970's, many consumers favored cotton for sleepwear. Despite this preference, the rules were enacted to protect children from death and serious burn injuries associated with the ignition of sleepwear. Consumers' continued preference for cotton sleepwear does not justify the increased risk which will result from modification of the standards.
2. The current standard works, as CPSC's own evidence indicates.
3. It cannot be assumed that tight-fitting cotton pajamas will be used by parents (and their children) as a substitute for loose fitting cotton T-shirts. There is no evidence to support such an assumption.
4. While dictating specifications may control what is being produced, it cannot control how the goods are marketed and purchased.
 - The dimensions specified for "tight-fitting" are not workable. These requirements differ greatly from what retailers currently specify, which is developed on the basis of consumer preference.
 - Because the specifications are too tight, consumers will continue to "buy up" to larger sizes. As a result, the garments will not be "tight fitting" as worn.
 - As consumers continue to buy the larger sizes, stores will eliminate smaller sizes.
5. CPSC staff has determined that manufacturing tolerances cannot be allowed because any variance would compromise safety as the garment may not be "tight-fitting". Variances are inherent in wearing apparel because no garment fits the same on any two people. Thus, by the staff's own admission, the new rules would compromise safety.
6. If non-FR cotton pajamas are sold on the same shelf as FR polyester pajamas, making them comparable in the eyes of the consumer, cotton will become the bigger seller and polyester will disappear from the shelves. The consumers' choice of purchasing FR goods will also disappear.
7. There will be no reduction in enforcement costs. On the contrary, costs could increase as the agency will be required to monitor compliance with "tight fitting" specifications, in addition to existing requirements for other types of sleepwear. Furthermore, the ambiguity as to sleepwear v. underwear will not be eliminated. Companies will still manufacture cotton underwear, which does not have to meet the new requirements. The agency will need to monitor the marketing of such items to ensure compliance.

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Patricia:

Attendees at the meeting on January 25 at 1:30 p.m. will be Andrew Krulwich and Diane Zipursky of Wiley, Rein & Fielding and Marvin Sandberg and Steven Schnitzer of PCA Apparel.

Financial V.P.

Exec. V.P.

Diane

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